

Appl. No.: 10/559,548  
Amdt. dated March 11, 2008  
Reply to Office action of November 20, 2007

## **REMARKS/ARGUMENTS**

The Applicants wish to thank the Examiner for his time in discussing the claims and U.S. Patent No. 4,978,046 to Hagmann (“*Hagmann*”) with the Applicants’ attorney on February 11, 2008. We note that the substance of the telephonic interview included a discussion of the Examiner’s understanding of the scope of the claims and his understanding of what was disclosed in the *Hagmann* patent. No claim amendments or arguments were presented outside of those presented in this response.

Applicants respectfully request reconsideration of the present application in view of the above changes to the claims and the following remarks, which are responsive to the Office Action mailed November 20, 2007.

### **I. Status of Claims**

In the Office Action, Claims 1 and 4-6 were noted as pending in the application and were rejected under 35 U.S.C. § 102(b) as being anticipated by the *Hagmann* patent. As a result of this response, Claims 1, 4, and 5 have been amended, and Claims 1 and 4-6 remain pending.

### **II. Claim Rejections**

#### **A. Rejection of Independent Claim 1**

Independent Claim 1 was rejected under § 102(b) as anticipated by *Hagmann*. *Hagmann* discloses an apparatus for orienting articles (e.g., button) in riveting presses and the like. The apparatus includes an article transferring device 60 that reciprocates in a horizontal direction to move an article into the path of an upper tool and a lower tool, which affix the article to a garment. The article transferring device 60 includes a slide 64 that moves horizontally and a lever 72 that is pivotally mounted at point 73 adjacent the distal end of the slide 64 (the end closest to the upper and lower tools). An article 15 is disposed adjacent the distal end of the lever 72. After the distal end of the lever 72 is pushed horizontally within the vertical path of the upper tool and the article 15 is oriented within the holding device 12 of the upper tool, spring 75 is able to pivot the distal end of the lever 72 upwardly about the pivot point 73. See *Hagmann*, Figures 4-8 and column 13, line 31 - column 14, line 68. However, the lever 72 is not rotated

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along a circular path from a button holding position, which is a position outside of the lifting path of an upper die, to a button transferring position, which is a position within the lifting path of the upper die, as recited in amended Claim 1.

Accordingly, because *Hagmann* does not disclose each and every element of independent Claim 1 as amended, Applicants respectfully request that the rejection of Claim 1 be withdrawn and Claim 1 be allowed.

B. Rejection of Dependent Claim 4

Dependent Claim 4 was rejected under § 102(b) as anticipated by *Hagmann*. *Hagmann* discloses a spring 75 disposed below a lever 72 that biases a distal end of the lever 72 upwardly toward a holding device 12. Dependent Claim 4 has been amended to clarify that the resilient member biases the button holder *away* from the button transferring position and toward the button holding position. Accordingly, because *Hagmann* does not teach each and every element of dependent Claim 4 as amended, Applicants respectfully request that the rejection of Claim 4 be withdrawn and Claim 4 be allowed. In addition, dependent Claim 4 depends from independent Claim 1 and includes all of the recitations of Claim 1. Thus, for at least the reasons set forth above with respect to independent Claim 1, it is respectfully submitted that dependent Claim 4 is patentable over the references cited.

C. Rejection of Dependent Claims 5-6

Dependent Claims 5-6 depend from independent Claim 1 and include all of the recitations of Claim 1 and any intervening claims plus their additional recitations that further distinguish the art applied in the rejection. Thus, for at least the reasons set forth above with respect to independent Claim 1, it is respectfully submitted that dependent Claims 5-6 are further patentable over the references cited as such dependent claims now depend from an allowable base claim.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required

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therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Applicants appreciate the Examiner's careful consideration of this application and would welcome a telephone conference with the Examiner to expedite the processing of the patent application. Applicants' attorney, Meredith Struby, may be reached directly at (404) 881-4626.

Respectfully submitted,

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